

1 ORIGINAL



2  
3 Date: July 19, 2012

4  
5 To: **Docket Control**  
6 **Arizona Corporation Commission**  
7 **1200 West Washington St.**  
8 **Phoenix, AZ 85007**  
9

10 From: Robert T. Hardcastle  
11 Payson Water Co., Inc.  
12

13 FOR FILING ORIGINAL AND 13 COPIES INTO:

14  
15 **DOCKET NO. W-03514A-12-0007**  
16

17 Smith vs. Payson Water Co.  
18

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21  
22 By:

23 Robert T. Hardcastle

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28 Arizona Corporation Commission  
29 **DOCKETED**

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1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2  
3 Robert T. Hardcastle  
4 Payson Water Co., Inc.  
5 P.O. Box 82218  
6 Bakersfield, CA 93380-2218  
7 *Representing Itself In Propia Persona*  
8

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9 **COMMISSIONERS**

10 Gary Pierce, Chairman  
11 Paul Newman, Commissioner  
12 Brenda Burns, Commissioner  
13 Bob Stump, Commissioner  
14 Sandra D. Kennedy, Commissioner  
15

16 IN THE MATTER OF J. ALAN )  
17 SMITH, COMPLAINANT )

**Docket No. W-03514A-12-0007**

18 )  
19 )  
20 VS. )  
21 )  
22 )

**REJOINDER TESTIMONY OF  
PAYSON WATER CO., INC.**

23 PAYSON WATER CO., INC., )  
24 RESPONDENT )  
25

26 On January 10, 2012 Complainant Smith (hereafter "Complainants") filed a  
27 Formal Complaint into Docket No. W-03514A-12-0007 based on previously submitted  
28 informal complaint number 2011-99889.

29 On February 2, 2012 Payson Water Co filed an Answer to the Complaint and a  
30 Motion to Dismiss.

31 On February 16, 2012 Complainant filed a Reply to Payson Water Co.'s Answer.

32 On February 23, 2012 a Procedural Order was issued scheduling a procedural  
33 conference for March 9, 2012.

34 On March 9, 2012 a Procedural Conference was conducted with the Parties.

35 On March 29, 2012 Payson Water Co. filed a supplemental Motion to Dismiss.

1 On March 30, 2012 Payson Water Co. filed a Motion to Quash Brooke Utilities,  
2 Inc. as a party to the Complaint.

3 On April 3, 2012 Complainant filed a Response and Objection to Respondent's  
4 Motion to Quash Brooke Utilities, Inc. as a party to the Complaint.

5 On April 3, 2012 Complainant filed a Response and Objection to Respondent's  
6 Motion to Dismiss and Motion to Deny.

7 On April 9, 2012 Payson Water Co. filed a Reply to Complainant's Response to  
8 Payson Water Co.'s Motion to Dismiss and Motion to Deny.

9 On April 9, 2012 Payson Water Co. also filed a Reply by Payson Water Co. to  
10 Complainant's Response and Objection to Respondent's Motion to Quash Brooke  
11 Utilities, Inc. as a Party to the Complaint.

12 On April 13, 2012 Complainant filed a Response and Objection to Respondent's  
13 Reply to Complainant's Response to Respondent's Motion to Dismiss and Deny.

14 On April 20, 2012 the Utilities Division of the Arizona Corporation Commission  
15 ("Staff") filed a Notice of Filing regarding the status of a subpoena issued to Martin's  
16 Trucking.

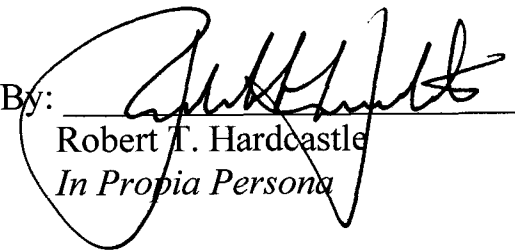
17 On May 3, 2012 Staff filed a Status of Mediation indicating that a settlement was  
18 not reached by the parties and requested a hearing be scheduled.

19 On June 18, 2012 a Procedural Order was issued which set forth the hearing date  
20 of August 7, 2012 and the compliance dates and deadlines as it relates to this Docket. In  
21 addition, the Procedural Order provided that Payson Water Co. and Staff shall file  
22 responsive rejoinder testimony no later than July 30, 2012 (see Procedural Order at page  
23 2, lines 19-20).

24 Accordingly, attached hereto is the Rejoinder Testimony of Payson Water Co., Inc.  
25 filed to this Docket on or before the requisite date.

26  
27 RESPECTFULLY SUBMITTED this 30<sup>th</sup> day of July 2012.

28 Payson Water Co., Inc.  
29

By:   
Robert T. Hardcastle  
*In Propia Persona*

ORIGINAL and 13 copies filed  
this 25<sup>th</sup> day July 2012, with:

**Docket Control**  
**Arizona Corporation Commission**  
**1200 West Washington St.**  
**Phoenix, AZ 85007**

And copies mailed to the following:

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Phoenix, AZ 85007

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1 Arizona Corporation Commission  
2 1200 West Washington St.  
3 Phoenix, AZ 85007

4  
5 By: 

6 Robert T. Hardcastle  
7 Payson Water Co., Inc.

8  
9 **END**

1  
2  
3  
4  
5  
6       **REJOINDER TESTIMONY**  
7                       **Of**  
8                       **Robert T. Hardcastle**  
9                       **On Behalf of**  
10       **Respondent Payson Water Co., Inc.**

11  
12                       Smith vs. Payson Water Co., Inc.

13                       Docket No. W-03514A-12-0007

14  
15                       July 30, 2012  
16  
17  
18  
19  
20

1                   **Rejoinder Testimony of Robert T. Hardcastle**  
2                   **On Behalf of Respondent Payson Water Co., Inc.**  
3                   **Docket No. W-03514A-12-0007**  
4

5                   July 30, 2012  
6

7   Question:   Please state your name for the record.

8   Answer:     Robert T. Hardcastle  
9

10   Question:   For whom are you employed and in what capacity?

11   Answer:     I am President of Brooke Utilities, Inc.  
12

13   Question:   How long have you been employed in this capacity?

14   Answer:     Since August 1996.  
15

16   Question:   How is Payson Water Co. affiliated with Brooke Utilities, Inc.?

17   Answer:     Payson Water Co., Inc. is a wholly owned subsidiary of Brooke  
18                 Utilities, Inc.  
19

20   Question:   Is Payson Water Co., Inc. considered a public service corporation as  
21                 defined by Article XV of the Arizona Constitution and A.R.S. §§ 40-  
22                 250 and 40-251?

23   Answer:     Yes  
24

25   Question:   Did you serve in your present capacity during all of 2011?

26   Answer:     Yes  
27

28   Question:   Are you offering this Rejoinder Testimony into the record of Arizona  
29                 Corporation Commission Docket No. W-03514A-12-0007?

30   Answer:     Yes  
31

32   Question:   Have you read the Direct Testimony of Complainant Smith?

33   Answer:     Yes  
34

35   Question:   How do you respond?

36   Answer:     The Direct Testimony of the Complainant's is substantially hearsay;  
37                 unsupported by any attached evidence; conclusory; and is replete  
38                 with conjecture, speculation, and misstatements of facts.  
39

1 Question: Do you intend to respond to each speculative statement or  
2 misstatement of fact?  
3 Answer: No, except as otherwise provided herein.  
4  
5 Question: How do you respond to Complainant Smith's allegation that the June  
6 2011 disconnection notice was found in the meter box at 8166  
7 Barranca Rd. in Mesa del Caballo?  
8 Answer: Smith may be correct. The Company intends to show at Hearing that  
9 Smith's assertion is irrelevant.  
10  
11 Question: What other comments do you make regarding the Pre-filed Direct  
12 Testimony of Smith?  
13 Answer: Payson Water Co. intends to present its defense to each of Smith's  
14 allegations upon direct and cross examination and otherwise refute  
15 each of Smith's allegations thereof.  
16  
17 Question: Does that conclude your testimony?  
18 Answer: Yes.  
19